In re Appln. of Lamb et al.
Serial No. 09/489,629

REMARKS

In this application, claims 1-33 are currently pending. Claims 1-33 have been rejected under 35 U.S.C. § 102 as allegedly anticipated by U.S. Pat. No. 6,510,464 to Grantges et al. (hereinafter "Grantges"). The same claims also stand rejected under § 103 as allegedly obvious in view of U.S. Patent No. 6,336,140 to Elgressy ("Elgressy") further in view of U.S. Patent No. 6,636,894 to Short et al. ("Short"). Applicants submit that the pending claims are patentable for the reasons set forth hereinafter, and accordingly request reconsideration and withdrawal of the pending rejections.

Summary

Although the claims and the art will be addressed in detail below, a brief summary may help the reader more fully understand this response. With respect to Grantges, the assertion that this reference teaches each and every element of each and every claim is not accurate. In fact, the reference does not even teach each element of the broadest claims, let alone the remaining claims. As the Examiner has previously discussed with Applicants' representative, each claim recites using network address translation (***rewriting*** of destination addresses) to ***redirect*** an access attempt to an access controlling server. However, Grantges teaches *neither* rewriting addresses *nor* redirecting packets. Thus, the assertion that this reference anticipates any particular claim appears to be erroneous.

With respect to the combination of Elgressy and Short, this combination similarly does not meet the statutory, technical, or logical requirements for such a rejection. Firstly, the stated motivation for making the combination is technically and logically unsound. Secondly, even

were one to nonetheless make the asserted combination, the claim elements are still not met, since, for example, neither reference pertains at all to the redirection of *packets*.

The § 102 Rejections

As noted above, all pending claims (1-33) stand rejected as anticipated by Grantges. For convenience, claim 1 is presented below in chart form, with each element placed next to the allegedly matching teaching from Grantges.

Claim 1	Grantges
A method of controlling at a gateway computing device access of a client machine to a desired resource hosted on a destination server, the desired resource being of at least one material type selected from the group including audible materials, readable materials, and viewable materials, comprising the steps of:	(preamble)
(a) at the gateway computing device receiving handshaking packets from the client machine having as a destination address the destination server;	Col. 6, lines 37-67. (However, as will be discussed below, the client machine in Grantges ***doesn't even know the address*** of the destination server, so how could it ever send the recited packets?)
(b) redirecting network communications at the gateway computing device, including the steps of:	(Element Preamble)
redirecting the handshaking packets by rewriting the destination address in the handshaking packets' IP headers to route the packets to an access controlling web server that is remote from the client, the gateway, and the destination server;	Same cited section. (However, again to be discussed below, no packet is ever *redirected* at all in Grantges, let alone in this specific manner.)

receiving a content request packet from the client machine at the gateway destined for the destination server intended to retrieve the desired resource from the destination server; and	Column 7, lines 1-8. (However, this section merely describes a gateway proxy server, and has no bearing on any request packet, its destination address, or intended purpose.)
at the gateway redirecting the content request packet by rewriting the destination address in the packet IP header to route the packet to the access controlling web server;	The Office action cites Grantges' gateway proxy server and webserver of Figure 1, noting that "it was obvious the proxy means redirect the IP address of header to route the packet to the access control server or authorization server." (Actually, not only is the Office's unsupported supplementation of the reference ***not*** obvious, its also highly unlikely that Grantges would even work in this fashion.)
(c) receiving a response at the gateway from the access controlling web server; and	The action simply cites all of Figure 1. If there is something specific in Figure 1 that was meant to be clearly cited, such was apparently overlooked.
(d) at the gateway, controlling access of the client machine to the desired resource based on the response from the access controlling web server, including refusing the client machine access to the desired resource if the response from the access controlling web server indicates that the client should not have access to the desired resource and granting the client machine access to the desired resource if the response from the access controlling web server indicates that the client should have access to the desired resource.	Action cites Grantges' gateway and authorization server. (Of course, a citation of structure to anticipate method steps is irrelevant unless there is also a cited ***teaching*** that the cited ***structures*** perform exactly the ***claimed function***; the action made no attempt to identify the required teachings.)

Having summarized the Office's position and Applicants' traversal thereof, several primary elements will now be addressed in greater detail.

> **...at the gateway computing device receiving handshaking packets from the client machine having as a destination address the destination server...**

Initially, it should be noted that although this element has been amended for clarity, the prior version ("intended to begin a session with" in lieu of "having as a destination address") is also not taught by the prior art, and thus although these comments will of course use the present wording, the comments would pertain equally to the prior version.

Focusing on this limitation, the limitation specifically recites that a packet is destined for, i.e. addressed to, the destination server. As noted above, the Office has cited column 6, lines 37-67 as teaching this element. Even taking this section in isolation, it states that "[the authors] emphasize that the ...digital certificate being presented to gateway proxy server 40 belongs to DMZ proxy server 34, not the user 18 of client computer 22." This indicates that the simple redirection envisioned by the Office is not in fact what is occurring. To leave no doubt, consider that the reference itself states at col. 8, lines 24-28: "It bears emphasizing that user 18/client computer 22 only knows the Uniform Resource Locator (URL) of DMZ proxy server, ***not*** of the gateway proxy server ***or destination servers***." In other words, the client computer of Grantges doesn't even know the ***address*** of Grantges' destination servers! Clearly, then, the handshaking packets of Grantges are neither destined for nor addressed to the destination servers.

Moving on, a subsequent limitation of claim 1 requires:

> **...redirecting the handshaking packets by rewriting the destination address in the handshaking packets' IP headers to route the packets to an**

> **access controlling web server that is remote from the client, the gateway, and the destination server...**

So assuming that the handshaking packets were initially addressed to the destination servers (and as noted above, this is not actually possible), does Grantges teach subsequently redirecting these, or any, packets by rewriting the address in the packet header?

The Office says yes, and cites to the same section as for the prior element. However, looking again at this section, there is no teaching of packet or other redirection, let alone in the specific manner recited by the claim. Instead, the cited section simply discusses communications between proxy servers across a firewall. In fact, the section specifically says that it describes an "***information forwarding*** step," (line 58) which isn't even "packet" forwarding, let alone packet ***redirecting***. If the Office continues to assert that "information" ***forwarding*** is somehow equivalent to "packet" ***redirecting***, it is respectfully requested that a clear reason, and if possible a reference, be provided.

Alternatively, perhaps the Office intended to cite to the communications between Grantges web/proxy servers and the authorization server. (*See* later assertion that "it was obvious the proxy means redirect the IP address of header to route the packet to the access control server or authorization server.") Addressing this assertion with respect to both elements that recite packet redirection by rewriting addresses in packet headers, the action's assertion is actually the only "teaching" of record that Grantges could/would/does work this way.

Thus, there is a question that really should be focused upon with clarity: Does the proxy server (or web server) of Grantges actually talk to the authorization server via client ***packet***

redirection rather than the normal query/response communications? Every indication in Grantges points to the reality that the proxy server (or web server) sends its own packets to the authorization server for its own purposes—it does not redirect a client packet to the authorization server.

Not only does Grantges fail to actually say anywhere that it uses packet redirection, but the actual text of Grantges specifically refutes the assertion. See, for example, column 7, lines 34-44: "...gateway proxy server 40 and authorization 46 conduct messaging between each other in accordance with a so-called Lightweight Directory Access Protocol (LDAP)." Since there's no indication (and no real likelihood) that Grantges' client sent an LDAP-compliant packet in the first place, the mechanism of communications between Grantges' proxy/web server and authorization server is clearly something *other than* packet forwarding (i.e., its normal LDAP communication).[1] There are additional indications in the reference that similarly make clear to those of ordinary skill in the art that there is no packet redirection occurring. However, it is not felt to be necessary to belabor the point further at this time.

Although the remaining claim elements need not be addressed in further detail at this time since their antecedent recitations are not taught in the cited art, applicants would like to point out the arguments set forth in chart form above.

[1] Since the Office's assertion of obviousness with respect to packet redirection is given without any accompanying support or even reasoning, it is taken as official notice. As such, it is respectfully traversed, and a specific citation to supporting authority is respectfully requested.

In summary, it is respectfully submitted that claim 1 is not anticipated by Grantges since the reference simply fails to teach many of the claimed elements. Accordingly, it is respectfully requested that claim 1 be favorably reconsidered, and that the rejection thereof be withdrawn.

With respect to independent claims 17 and 33, these claims are said to be rejected for the same reasons as claim 1. Accordingly, the remarks above with respect to claim 1 are also relevant to claims 17 and 33. Claims 17 and 33 are patentable for the same reasons set forth with respect to claim 1. Accordingly, it is respectfully requested that claims 17 and 33 be favorably reconsidered, and that the rejections thereof be withdrawn.

With respect to the claims that depend from either of claims 1 and 17, it is respectfully submitted that such dependent claims are patentable for the same reasons as the respective parent claim. Moreover, each such claim recites additional limitations that are not taught by Grantges. Although it is not necessary to itemize the reasoning related to the dependent claims, these claims will nonetheless be briefly discussed herein to preserve all issues for appeal.

With respect to claims 2 and 18, although the action alleges that a "connection" is established between the client machine and destination server of Grantges based on specific criteria, there is no citation to any function, only structure, with no indication that the cited structure performs the recited limitations.

With respect to claims 3 and 19, although the action alleges that a particular packet comprises a GETURL packet, and goes so far as to cite more than 30 lines of Grantges for this short proposition, there seems to be no corresponding teaching in *any* of the cited lines.

With respect to claims 4 and 20, the action asserts that the recited additional feature is inherent in the reference. Applicants traverse the allegation. Inherency requires that although a teaching may not be specifically set forth, it is nonetheless doubtlessly taught by the reference. If that is the case here, some sort of supporting reasoning and citation is certainly appropriate and is respectfully requested.

With respect to claims 5 and 21, the recited additional limitation is again said to be inherent. Applicants traverse the allegation and some sort of supporting reasoning and citation are again respectfully requested.

With respect to claims 6, 13, 22, and 29, the action states that the additional recited feature is taught in Grantges at col. 12, lines 36-45. The additional feature of, for example, claim 6, is that: "...the step of establishing a connection between the client machine and the destination server comprises: resending the handshaking packets and GET URL packet to the destination server transparently with respect to the client machine..." However, applicants have diligently scoured the cited 9 lines of Grantges and found no reference to resending, no reference to client transparency – in short, no reference to any significant part of the recited limitation. Instead, the section describes a step that (1) is not a *re*sending of any packet but is instead an ***initial*** sending of re***structured*** information (line 39), and (2) is not ***transparent*** with respect to the client machine but rather is based on explicit user selection (line 42).

With respect to claims 8, 15, 24, and 31, the additional recited limitation, of for example, claim 8 is: "...determining whether to redirect network communications based on the content of a handshaking packet..." The action alleges without any support or reasoning

that this limitation is inherent in Grantges. Applicants traverse the allegation, and some sort of reasoning or other showing regarding the alleged inherency is respectfully requested.

With respect to claims 9-12, 16, 25-28 and 32, the action again broadly asserts inherency with no support, Applicants traverse, and citation to appropriate support or reasoning is requested.

With respect to claims 7, 14, 23, and 30, the action appears to admit that the cited teachings do not actually teach the recited limitation: "...Grantges discloses the invention...except embedding an identity token...uniquely identify[ying] the client machine" Applicants agree, especially since it is unclear what information is contained in Grantges' "user identification cookie" about the machine being used by the user.

For the above reasons, it is respectfully requested that the rejections of claims 1-33 under § 102 be reconsidered and withdrawn.

The § 103 Rejections

As noted above, claims 1-33 stand rejected under § 103 as allegedly obvious in view of Elgressy further in view of Short. Briefly, applicants traverse these rejections as inconsistent with the legal requirements for such rejections. In particular, the cited references do not teach the claimed invention even when combined, and furthermore, there is no teaching to combine the references in the cited manner, nor any expectation of success in so doing.

According to the Office action, *Elgressy* teaches a method of using a gateway to control access of a client machine to a desired resource based on a response from an access controlling web server. Office action at page 7. On the other hand, according to the Office action, *Short*

teaches using an authorization server (within a gateway) to redirect a user request based on the user's access right to a destination network. Thus, according to the Office action, it would have been obvious to "incorporate the technique of redirection the client request ... as taught by Short...to utilize the gateway on network."[2]

This reasoning, both as to premise and result, is not logical or self-consistent. For example, if Elgressy *already* teaches use of a gateway to control client access to a resource in conjunction with an access controlling web server, then why would one of any skill whatsoever want to add in the teachings of Short so as "to utilize the gateway on network." Essentially, the Office alleges that Elgressy uses a gateway in the asserted manner (i.e. on a ***network***), and that Short *also* uses a gateway, but that the references should nonetheless be combined so that we can gain the benefits that Elgressy already allegedly supplied prior to the combination (use of gateway on network.)

As another example, consider that the action tells us that Elgressy ***fails*** to teach "redirecting the handshaking packets ... to an access controlling web server." And yet the action says the reference nonetheless ***does*** teach "receiving a ***response*** at the gateway from the access controlling web server."

Accordingly, it is respectfully submitted that the stated motivation to combine the references in the asserted manner is not an actual or realistic motivation at all. Not only is it

[2] Applicants traverse these assertions of the references teachings. However, in the interest of brevity and economy applicants will not comment further on the discrepancies since they are plain when the references are read and since the other necessary showings for a prima facie case of obviousness have yet to be met as discussed herein.

technically unsound, it is logically unsound. As such, the stated motivation cannot form the basis of a legally proper prima facie case of obviousness.

Moreover, neither recited reference supplies the missing elements of redirecting packets in the recited manner. The action admits that Elgressy clearly lacks such a teaching, and although the action alleges that Short fills the gap, this is not at all accurate. Each and every section of Short cited by the Office action actually pertains to "redirecting users," not redirecting ***packets***, and says nothing about ***rewriting*** packet destination addresses.

For at least the foregoing reasons, it is respectfully requested that the rejections of claims 1-33 under § 103 be favorably reconsidered and withdrawn.[3]

Moreover, as noted, applicants traverse the rejection of each dependent claim on the basis that not only are the required limitations, motivation and expectation of success absent as noted above, but moreover each other claim recites additional limitation not found in the art. For example, with respect to claims 2, 4, 5, 8-12, 15, 16, 18, 20, 21, 24- 28, 31 and 32, the action states that the additional recited limitation is inherent. Applicants traverse this assertion and request that the alleged inherency be shown by more than a simple assertion of alleged fact. With respect to claims 6, 13, 22, and 29, the cited section of Elgressy does not contain the alleged teaching, since there is no indication that any packet is initially redirected and then resent to the original intended destination. With respect to claims 7, 14, 23, and 30, the action again appears to admit that the cited teachings do not actually teach the recited limitation:

[3] The remaining independent claims 17 and 33 are rejected on the same basis and are asserted by Applicants to be patentable for the same reasons as claim 1.

"...Elgressy-Short disclose the invention...except embedding an identity token...uniquely identify[ying] the client machine." Applicants again agree, especially since it is again unclear what the identity token would be in the cited combination.

In summary, applicants submit that the rejections of claims 1-33 under § 103 are improper, and request that these rejections be favorably reconsidered and withdrawn.

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Conclusion

The application is considered to be in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue.

If, in the opinion of the Examiner, a further telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call applicants' undersigned representative.

Respectfully submitted,

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Date: March 17, 2004

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ARH KAS

MAILING DATE: March 17, 2004
Application Of: Lamb et al.
U.S. PATENT APPLICATION NO. 09/489,629
FILED: January 24, 2000
Title: NETWORK ACCESS CONTROL USING NETWORK ADDRESS TRANSLATION
Due Date: March 17, 2004

DOCKET NO.: 201365
CLIENT: Microsoft
PMP/smm

ENCLOSURES:
☒ Amendment Transmittal (1 page in duplicate)
☒ Response to Office Action Dated December 17, 2003 (22 pages)
☒ This return postcard

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